

In the United States Court of Federal Claims

No. XXX-XXX C ADR PILOT

(Filed)

,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

**NOTICE OF
ALTERNATE DISPUTE
RESOLUTION (ADR)
PILOT PROGRAM
PROCEDURES**

ORDER

1. Upon filing their joint preliminary status report (JPSR) pursuant to the rules of this court, the parties shall submit a copy of their JPSR and all pleadings to the ADR judge assigned to this case.
2. If defendant files a dispositive motion in lieu of an answer, the trial judge, after consultation with and consent of the parties, shall decide whether the motion will be referred for ADR.
3. Once the parties have submitted their JPSR and pleadings to the ADR judge, the parties shall contact chambers to schedule an Early Neutral Evaluation (ENE) conference to be held within thirty days after the file date of the parties' JPSR or on the earliest possible date thereafter.
4. Within fifteen days after the date of the ENE conference, the parties shall file either a joint motion to stay further proceedings

for a time certain to allow the parties to pursue ADR or a notice that the case shall proceed as provided for by the rules of this court.

5. Within ten days after the close of discovery for the entire case or the close of limited discovery if only limited discovery has been allowed, the parties shall file a joint notification of the close of discovery along with a motion to stay pretrial proceedings. The parties shall also submit a copy of their motion to stay to the ADR judge.
6. Once the parties have submitted their motion to stay to the ADR judge, the parties shall contact chambers to schedule a second conference to be held within thirty days after the file date of the motion to stay or on the earliest possible date thereafter.
7. Within ten days after this second conference, the parties shall file either a joint status report discussing the likelihood of settlement and, if necessary, proposing a schedule for further ADR proceedings, or a notice that the case shall proceed as provided for by the rules of this court.
8. Although an ENE conference is required following the filing of the JPSR and a second conference is required following the close of discovery, the parties may request the trial judge to refer the case for ADR at any other time.
9. All information and documents submitted to the ADR judge for purposes of ADR will be kept confidential, will not be included in the court's official file in this case, and will not be disclosed to any person who is not participating in the ADR process.
10. The parties shall sign the attached agreement of confidentiality and submit the signed agreement to the ADR judge prior to the date of the ENE conference.
11. No oral communication shall take place between the ADR judge and trial judge. If communication between the ADR judge and trial judge is necessary, such communication shall be in writing with prior notice to all parties.

IT IS SO ORDERED.

XXXXXX
Judge

In the United States Court of Federal Claims

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,

Plaintiff,

v.

THE UNITED STATES,

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AGREEMENT

The parties ^{*/} agree that all ADR proceedings, including statements made and documents prepared by any party, attorney, or other participant, are privileged and shall not be disclosed in any subsequent proceeding or document or construed for any purpose as an admission against interest. The parties further agree not to subpoena or seek in any way the testimony of the ADR judge for any purpose in this or any other proceeding, or to subpoena or seek in any way any materials submitted to the ADR judge during the ADR process for use in this or any other proceeding.

No party shall be bound by anything said or done during ADR proceedings unless a settlement is reached. If a settlement is reached, in order for the agreement to be binding and enforceable, it shall be in writing and signed by all parties.

Plaintiff

Defendant

Plaintiff's Attorney

Defendant's Attorney

Party

Party's Attorney

Date

^{*/} All parties, along with their attorneys, who participate in the ADR proceedings shall sign this agreement.